Report of the

Nova Scotia Election Commission

on the Thirty-Sixth

Provincial General Election

August 5, 2003

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I. Preface

In September, 2003, Premier John F. Hamm wrote to the Election Commission requesting the Commission to conduct a thorough analysis of the August 5, 2003 provincial general election, including voter registration, voter list management, polling station location and generally issues impeding participation in the political process. The Premier further requested that the Commission identify issues Nova Scotians had concerning the August 5, 2003 provincial general election, noting particularly the accuracy of the voter's list used in that election. The Progressive Conservative, the New Democratic and Liberal caucuses spoke with one voice in expressing their concern about the effect of such matters on voter turnout during the August 5, 2003 provincial general election. Premier Hamm pointed out in his letter to the Commission that the province is best served by taking measures to ensure ease-of-access to participation in the political process, and by ensuring maximum citizen participation, including voter turnout. Due to the depth and breadth of the concerns over the use of the permanent voter's list, all three parties have indicated their support to a return to enumeration.

II. Acknowledgments

The Election Commission is grateful to everyone who has contributed to the work of the Commission in responding to Premier's Hamm's request that the Election Commission conduct an analysis of the August 5, 2003 provincial general election.

The Election Commission takes this opportunity to extend its thanks to all Nova Scotians who took the time to make written submissions to the Commission. It also thanks the Progressive Conservative Party of Nova Scotia, the Nova Scotia Liberal Party and the New Democratic Party of Nova Scotia who also made, in some cases, independent submissions as well as a three party joint submission. The Commission appreciates that it takes time, energy and dedication to prepare and make submissions and each and every one of these submissions has contributed to the Election Commission's understanding of the views of the general public about occurrences during the August 2003 provincial general election.

The Election Commission also extends its most sincere thanks and appreciation to the staff at Elections Nova Scotia (the "Elections Office") for all of the assistance, advice, information, and courtesies it received from Tony Matthews, Mapping Services Coordinator, Roxanne Hanniman, Voter's List and Statistics Officer, Don Hubley, Supervisor of Administration, Vicky Gould, Administrative Support, Foster Paris, Chief Stores Clerk, and Christine McCulloch, Q.C., Chief Electoral Officer. The professionalism, knowledge and insight of these people were very important in bringing this task to a conclusion.

Sincere thanks are also extended to the former Chief Electoral Officer, Janet Willwerth, whose longstanding experience and perspective were invaluable.

III. Executive Summary

The Election Commission recognizes and accepts the very serious nature of the problems which plagued the August 5, 2003 provincial general election. Although the three main political parties are unanimous in their view that the people of Nova Scotia were not well served by efforts to use a permanent list of electors, they nonetheless believe the idea behind a permanent list is a valid one and of benefit to all Nova Scotians if it can be made accurate and revised on a regular basis.

The Commission agrees that there were very serious problems during the recent provincial general election. In doing its work the Commission has considered the submissions, identified and researched the issues and in this report makes recommendations for change. In so doing and with the involvement of electors, candidates, political parties, government, the Elections Office and election officers in the electoral districts, we can together strengthen the democratic process and increase the participation by all eligible voters in that process.

The August 5, 2003 provincial general election was plagued by many issues that seriously affected general confidence in the reliability of the new permanent list of electors and possibly undermined confidence in the electoral process. However, the issues were not simply related to the permanent list, but in the Commission's view are better understood as arising from the numerous and significant changes that confronted the electoral process culminating in the August 5, 2003 provincial general election. We are in a period of change and change does not come without difficulties and adjustment. Not only must the systems and technology through which we conduct elections change, so too must our attitude toward and participation in the democratic process change.

This report recommends changes in four key areas, namely, in Legislation and regulations, and respecting the Permanent Voter's List, Procedure, and Communication and Education which are aimed at assisting and supporting the electoral process as it evolves.

IV. Approach to Review

The Election Commission received the request for analysis of the August 5, 2003 provincial general election by letter from Premier Hamm dated September 18, 2003. It determined its process would be one of seeking and assessing written submissions, research, analysis and finally the preparation of a report containing discussion and recommendations. The Election Commission placed advertisements in provincial and local papers across the province as follows:

Chronicle Herald	November 23 and December 3
Daily News	November 23 and December 3
Amherst Citizen	November 22
Cape Breton Post	November 22 and 29
Evening News, New Glasgow	November 22 and 29
Truro Daily News	November 22 and 20
Amherst Daily News	December 1

The advertisements requested written submissions concerning the conduct of the provincial general election held on August 5, 2003 including the following:

I. The use of a permanent list of electors.
II. Location of polling stations.
III. Voting process, including write-in ballots.
IV. Revision process.

Written submissions were requested by December 22, 2003, but late submissions received from citizens were also considered.

The Commission also received a joint submission from Nova Scotia's three recognized political parties, dated January 21, 2004, and individual submissions from the Progressive Conservative Party of Nova Scotia dated January 12, 2004, and from the Nova Scotia NDP dated January, 2004.

The Election Commission conducted its analysis of the August 5, 2003 election through a process of research, discussion and lively debate. Its aim has been throughout this process to work toward a consensus and is pleased to report that all of the recommendations contained in this report are made with the full agreement of all members of the Election Commission. Those recommendations appear immediately below the discussion to which they relate and are also summarized at the end of the report by subject area.

V. Election Commission

The mandate of the Commission found in Section 8 of the *Elections Act*, RSNS, 1989, c. 140, as amended, (the "*Elections Act*") is to advise the Chief Electoral Officer regarding the administrative conduct of elections. The Commission is composed of a chairman, appointed by the Governor in Council, the Chief Electoral Officer and two (2) persons appointed by each of the leaders of the recognized political parties in the House of Assembly. In light of the mandate and composition of the Commission, the request by Premier Hamm for an analysis of the August 5, 2003 provincial general election including voter registration, list management, polling station location and related matters as well as accuracy of the voter's list and its impact on voter turnout, is highly appropriate.

In modern day society, there are many challenges to the effective functioning of a democracy. Participation by as many eligible voters as possible in the electoral process is critical. A quote from the joint submission to the Election Commission of the three political parties in Nova Scotia is particularly pertinent. It states: "Recognizing that the eligible voter who does not participate in one election is less likely to participate in a second, and that an eligible voter who fails to cast a ballot in two elections is unlikely ever to vote again, we [the three political parties] are concerned to see that as many eligible voters are returned to active participation in our democratic process as possible. All three parties believe that it is the vigorous competition between the parties to encourage their voters to get out that stimulates an active participatory democracy". The Commission is hopeful that its recommendations will go some distance to correcting the many problems that contributed to reduced voter turnout so they are not repeated.

The Election Commission believes that use of a permanent list of electors is a critical component in an effective electoral process. It further believes that accuracy and currency of our list can only be achieved through an organized and ongoing maintenance plan legitimatized by legislation and implemented by competent and professional Elections Office staff, trained and professional returning officers and election workers with the active involvement of individual citizens, candidates, political parties and government. The active involvement by all is critical to ensuring strong participation by Nova Scotians in the electoral process.

VI. Background to the August 5, 2003 Provincial General Election

There were numerous circumstances and pressures that made the 2003 provincial general election process, including ordinary polling day itself, particularly challenging for electors, candidates, and election officers. They were the following:

- This was the first time in a Nova Scotia provincial general election that an electronic Permanent Provincial List of Electors was compiled or used. Developing this list took significant resources and time and issues encountered were not anticipated nor in some cases identified except in hindsight.

- This was the first time a province-wide enumeration was not used to prepare the list of electors. Enumeration was familiar. Use of a permanent list of electors was not.

- Where targeted enumeration occurred, there were insufficient enumerators and they were in many cases identified late or left to returning officers to identify.

- Extensive amendments to the *Elections Act* were enacted in the fall of 2001 that, in many respects revamped the *Act*, but most significantly,
  - enabled use of a permanent list of electors to be prepared using the National Register of Electors (NROE);
  - changed the administrative processes in the *Elections Act* which impacted electors, candidates and election officers;
  - changed elector qualifications; and
  - shortened the election period (also called the 'election calendar').

- An electoral review occurred during 2001 with the Final Report of the Nova Scotia Provincial Electoral Boundaries Commission being released August 30, 2002, leading to new electoral boundaries implemented late in November 2002 through changes to the *House of Assembly Act*. In all, the boundaries of twenty-seven (27) electoral districts were changed, many very significantly, necessitating significant corresponding mapping changes.

- Changes in the size and boundaries of polling divisions occurred.

- The number of polling stations was reduced and their locations in some cases changed.

- The election period from issuance of the writ of election to ordinary polling day was reduced from not less than thirty-six (36) to not less than thirty (30) days, although the numerous activities to be attended to during the election calendar did not change.

- A new electronic application, the Nova Scotia Electors List Application (NSELA) to manage and produce preliminary and official lists of electors was designed and

developed in a very short time frame and implemented on a province-wide basis in all returning offices.

- The new NSELA required the development of a first time IT deployment strategy for computers, printers and associated equipment executed upon the issuance of the writ.

- This was the first time election officers in returning offices and officials and staff in the Elections Office used the new voter's list application (NSELA) requiring extensive training on the new computer application. The comfort level of returning officers using computers varied dramatically.

- Proxy voting was replaced by a new write-in ballot procedure.

- Close to half of the returning officers appointed in the Spring of 2003 had no previous election experience. Before appointments were made a competitive process was conducted by the Elections Office, including interviewing of eligible candidates.

- Many new returning officers and election officers were appointed who had never worked in an election. They required a full orientation and training on the entire provincial electoral process as appropriate to their responsibilities. All personnel required training in new election processes, procedures and rules due to changes in the *Elections Act*. All were required to understand the impact of electoral boundary changes.

- There were insufficient human resources in the Elections Office to undertake and perform the tasks required of them, and insufficient time on all fronts to complete all the tasks required to be fully and properly "election ready".

(a) Understanding the Impact of Change

The 36th Nova Scotia provincial general election held on August 5, 2003 was conducted in the context of a series of 'firsts' when viewed from the perspective of electors in the province, candidates, election officers, and the Nova Scotia Elections Office as the administering agency. More than any other electoral event in Nova Scotia's recent history, the August 5 election was held in the context of a range of significant changes not previously experienced in earlier provincial elections. Change invariably poses a challenge for human beings and organizations. The greater the change, the greater the challenge. However, change on all fronts - people, systems, processes, rules and geography - combined with insufficient time to learn, adjust to and implement that which is new creates an environment ripe for a predictably troubled outcome. Too much change and too little time to

effectively implement the changes were the major factors leading to the issues in the August 5, 2003 provincial general election.

It is interesting to note that the report "Meeting the Needs of a Modern Electorate" prepared by the Office of the Chief Election Office in Ontario in April 2000 documents a very similar series of issues and circumstances leading up to the Ontario 1999 general election to those experienced in Nova Scotia's August 5, 2003 provincial general election. It is also valuable to note that Election Office staff increased dramatically, processes and procedures were changed and legislative amendments occurred after the April 1, 2000 report on the 1999 Ontario general election.

Recommendation

It is recommended that the Elections Office be formally reviewed from a business process, staffing and technology perspective and, as appropriate, restructured to meet its responsibilities reflected in and arising from the *Elections Act*.

(b) NSELA (Nova Scotia Electors List Application)

This new voter's list application, the NSELA, was designed by Elections Office staff and the former Chief Electoral Officer and developed by the Resources IT Corporate Services Unit (the "RCSU") of the province which provides information technology services to the Elections Office. The RCSU also trained Elections Office staff and returning officers in the use of the new application. The NSELA was used by the returning officers in returning offices across the province to update the list of electors and produce the preliminary and official lists of electors for voting purposes.

The list of electors database used in the NSELA was created from merging the Elections Office civic address registry (CAR) with the federal list of electors (NROE). Each address in the NROE has a unique address identifier (10 digit number). The Elections Office used a small electronic utility which entered the NROE identifier into a field in the Elections Office database every time an address in the CAR matched an address in the NROE.

To produce the list of electors the Elections Office used another electronic utility to extract all the electors from the NROE linked to the address identifier for each address which then placed the elector in the proper electoral district and polling station. One of the serious issues encountered in producing Nova Scotia's list of electors was the fact that a large number of addresses from the Elections Office civic address registry database (CAR) did not have a federal unique address identifier, hence these addresses had no electors linked to them.

During the election period and using the NSELA each returning officer was required to certify the preliminary list for each polling division. Once this was done an electronic file was created by the RCSU. At specific intervals these files were compiled and forwarded to Canada Post in Montreal where the Notices of Confirmation were printed (by merging the elector information with a form letter) and mailed to electors. This notice was critical since it contained each elector's voting information including where to vote. If an elector did not receive a notice or was not the person at that address, the elector was then required to take steps to have their name added to the list for their polling division by attending at the returning office or being added on ordinary polling day ("election day").

Once the polling division was certified and the mailing file created, the returning officer created an electronic file of the list of electors for each candidate. This was the preliminary list of electors for that polling division. When a preliminary list of electors was created, the NSELA automatically numbered the electors, either alphabetically, by elector or civic address.

At midnight on Thursday, the 5th day before election day, all information changes from the preliminary list of electors revision, the special poll and write-in ballots, was required to be entered into the NSELA so that the official List of electors could be created. This list is the list used for the advance poll and on election day (with electors who voted at the advance poll struck off). Once all the information was entered into the NSELA, it automatically renumbered the electors on the official list of electors so an elector's number was different on the official list of electors than on the preliminary list of electors. This renumbering of electors between the preliminary and final lists caused difficulty in using the lists for political organizations entitled to receive copies of the lists.

Although there were some issues with the NSELA during the election period once clearly identified they can be addressed by enhancements to the NSELA.

Returning officers in general experienced a "loss of ownership" of their lists of electors with the introduction of the NSELA. This loss of ownership was likely due to a number of factors, including lack of involvement in the creation of the permanent list, insufficient training with the NSELA and an incomplete understanding of the interaction between changes in the *Elections Act* and returning officers' use of the NSELA. Without this sense of ownership of the list (which clearly existed when lists of electors were created through enumeration when the legislative environment was less complex) it could have been a factor giving rise to complaints that some returning officers were not helpful in resolving issues electors experienced with the permanent list.

Recommendations

It is recommended that before the NSELA is used in another provincial general election, it be updated so that the number assigned to each elector in the preliminary list of electors remains unchanged in the official list of electors.

It is recommended that the NSELA be reviewed to address any issues identified by the Elections Office and returning officers to make it more 'user friendly' including allowing for the use of French accents, making improvements to the daily reports, improving the search capabilities for revising assistants under circumstances where enumeration or confirmation occurs.

It is recommended that before the NSELA is used again, a training program be designed specifically to meet the needs of returning officers integrated with other training provided by the Elections Office, reinforced as required, and delivered in a well-timed manner.

(c) The NROE and Its Impact on the List of Electors in Nova Scotia

Changes in the *Elections Act* in late 2001 allowed use of the federal NROE for the first time in Nova Scotia. The Elections Office has worked closely with the Nova Scotia Civic Addressing project, sponsored by the Department of Service Nova Scotia and Municipal Relations, which is being rolled out across the province to update and verify the Elections Office civic address database. The verified addresses were matched with the civic addresses received from Elections Canada in preparation for using the NROE.

Electoral boundaries were changed in Nova Scotia late in 2002 and coupled with the change in legislation which allowed an increase from a maximum of four hundred (400) to four hundred and fifty (450) electors per polling division, new polling division boundaries were created. Even though the geography was very different between the provincial boundaries and the federal boundaries, a matching utility used by the Elections Office allowed the addresses from the NROE to be placed in their corresponding provincial polling division. The placement of civic addresses into provincial polling divisions seemed to go well.

In preparation for the impending provincial election, the NROE was first received from Elections Canada in November, 2002. The Elections Office continued to obtain updates until June 5, 2003. Work on the permanent list of electors went on till very near the issuance of the writ for the August 5, 2003 election.

The NROE included a total of 655,402 electors, but only 613,815 electors could be placed in the correct polling divisions in Nova Scotia electoral districts. The remaining 41,587 electors could not be included in the provincial list because their civic addresses were either totally missing, incomplete or incorrect. These electors had been in a federal polling division, but there was insufficient information to place them into a provincial polling division. While 6% might not seem high on a provincial basis, these electors were entirely in rural areas and since half of Nova Scotia is rural, it actually represented 12% of rural electors. This was a major problem during the August 5, 2003 election because many electors were offended to discover they were not on the provincial voter's list.

The fact that the 2003 election was a summer election may have played a role in the lower voter turnout (65%), but even taking this into account, revision was high at 33%. Electors and returning officers were confused. The Elections Office received numerous complaints from electors that they had added their name to the list in the previous federal election or had made corrections or changes to their name or address through Revenue Canada, or otherwise corrected their information, but these changes were not reflected in the current voter's list. Other electors complained that they had a deceased family member deleted from the list only to have that person reappear on this voter's list (some of these electors having died four (4) or five (5) years ago). Returning officers were left unable to address these concerns. In retrospect, likely returning officers lost ownership of their lists of electors having not compiled or worked on them except after the writ was issued. Frustration levels were high and the lack of understanding of why there were problems with the list coupled with it being the Elections Office list likely resulted in a disinclination on the part of at least some returning officers to find solutions to the numerous problems they encountered.

One major issue encountered in the development of the permanent list was that the mailing addresses in the NROE were only 56% accurate in Nova Scotia. In many cases the mailing addresses had been changed locally over a year previous, yet the NROE had not caught up with these changes. These changes were mostly rural mailing addresses being changed to civic addresses.

Overall, there were major issues with the accuracy, currency and design of the NROE which directly caused the problems experienced by electors and election officers during the August 5, 2003 election.

Recommendation

The NROE because of its unreliability should be used only as one of many sources against which the Nova Scotia permanent list of electors is checked and not used in and of itself as Nova Scotia's list of electors.

(d) Development of the Permanent List of Electors

Preparation for the use of NROE began in January, 2000 with the hiring of a consultant to conduct a study on the feasibility of using a permanent list of electors. Extensive consultation with Elections Office staff and Chief Electoral Officer was part of this feasibility study.

In February 2000, a software development company was engaged to develop a computer program (CAMU - Civil Address Matching Utility) which would match the civic addresses in the NROE with the civic addresses in the Nova Scotia civic address register being built by the Elections Office. Because Nova Scotia's electoral geography is different from that of Elections Canada, it was necessary to match address to address and assign each address that matched the Election Canada unique identifying numbers. The CAMU program identified addresses that did not match and the Elections Office staff then manually checked each unmatched record. As each match was made, an elector was placed on Nova Scotia's permanent voter's list.

It was known in June of 2000 that using the NROE as a viable source of elector data was problematic and the nature of the Elections Canada program meant the concerns were not/could not be easily resolved.

Nonetheless efforts to overcome the difficulties with the NROE continued through February 2002 as Elections Office staff continued to work on unmatched records. Progress was slow as sufficient resources for the tedious process was unavailable.

Work by the computer software developer on the voter's list computer program to enable use of NROE began in February 2002 and was abandoned in October 2002. Late in 2002 the Resources IT Corporate Services Unit took over the project and considerable time and effort was spent by Elections Office staff and the development staff from the RCSU to develop the voter's list program from scratch. While this new development work was underway little work could be done on the issues with the actual list, nor was the Elections Office able to prepare voter's lists, street keys and voter counts in order to create new polling divisions. Not until the end of January, 2003, could the reports necessary to create the new polling divisions in each electoral district for the upcoming election be produced.

Until that time, there were no statistics available to proceed with re-drafting of polling division boundaries.

The voter's list program was tested, adjusted and finalized for the August 5, 2003 general election with little time to spare.

In hindsight the approach taken for use of a permanent list of electors was inadequate for many reasons, including:

- Electors in the NROE who did not have a civic address to place them into the provincial list were not contacted.
- No alternate plan was developed to address issues with the NROE while Nova Scotia's voter's list program was being developed by the RCSU. In particular, sufficient resources, funding and staff were not provided to carry out this permanent list of electors project in an organized and timely manner.
- The voter's list program was started by three different developers before it was finally completed.
- There was insufficient time to ensure that the permanent list of electors was a reliable and accurate source of elector information for use in an actual election.

Recommendation

It is recommended that the NROE not be used again in its current form. Instead, it is recommended that the Elections Office work to maintain on an ongoing basis, the list of electors now in place following the August 5, 2003 general election toward the end of developing a "Made in Nova Scotia Permanent List of Electors". This permanent list of electors combined with a limited enumeration or confirmation exercise during the election period, is recommended. Full enumeration is not recommended because too much information of high quality that is now in the list of electors would be lost.

(e) Electoral District Boundary Changes

On November 30, 2001, the Select Committee on Establishing an Electoral Boundaries Commission of the Nova Scotia House of Assembly established for the second time in Nova Scotia an independent, broadly representative Electoral Boundaries Commission for the province. That Commission was composed of nine members, held two mandated rounds of public consultations around the province, received an extensive number of oral and written submissions and wrote an Interim Report and a Final Report. In light

of its extensive mandate and delays in receiving and modeling census data from Statistics Canada, extensions to the Commission's first deadline in the spring of 2002 were granted to June 30, 2002, and then to August 31, 2002 then to mid-September 2002, the later for the sole purpose of submitting its Final Report to the Nova Scotia House of Assembly.

The Commission's Final Report, entitled 'Just Boundaries. Recommendations for Effective Representation for the People of Nova Scotia', was tabled in the House of Assembly on Friday, November 1, 2002, and based on Recommendation 22 of the Final Report, the Nova Scotia Elections Office began revising, on a without prejudice basis, the provincial electoral boundaries in accordance with the recommendations contained in the Commission's Final Report. The recommendations of the Electoral Boundaries Commission were implemented by amendments to the *House of Assembly Act*, Chapter 1 (1992 Supplement) of the Revised Statutes, 1989, and the *Elections Act*.

The extensive and detailed mapping work required to reflect new and changed electoral boundaries was an enormous undertaking for the Elections Office Twenty-seven electoral boundaries were changed and twenty-five remained unchanged. The significance of this work is not to be underestimated since its accuracy determines where electors vote. The mapping is the starting point for determination of more detailed polling division boundaries, street naming (street keys) and civic addressing so critical to the accuracy of a permanent list of electors.

In hindsight, although the Electoral Boundaries Commission recognized the daunting task facing the Elections Office in implementing electronic boundary changes and did its best to involve Elections Office staff before the changes were introduced in the House of Assembly, there was simply insufficient time and resources to do the work arising from electoral boundary changes as thoroughly as the Elections Office would have liked. Not only was electoral boundary mapping required, so too was mapping of new polling division boundaries and ongoing work with returning officers, close to half of which were entirely new to the job, to locate these boundaries on the ground and place the civic addresses and polling stations within them appropriately.

(f) Returning Officers

New returning officers were appointed in April, May and June 2003, as a result of the changes in electoral boundaries made law on November 22, 2002. Twenty-three (23) of these officers were new to Nova Scotia's electoral process. The selection process involved advertising, evaluation of applications, interviews by a panel of the former Chief Electoral Officer and staff of the Elections Office, followed by recommendations by the Chief

Electoral Officer to Executive Council for hiring, and finally Orders in Council making the appointments. This activity was all proceeding at the same time as all other election readiness preparation.

These new returning officers as well as those with experience who were re-appointed had to learn not only the impact of electoral district boundary changes and polling district boundary changes, they had to be trained on computers using a new voters list application, oriented on the extensive changes to the *Elections Act,* and many had never yet conducted any election, let alone an election using the new permanent list of electors. All of this activity was ongoing through the spring and summer of 2003 just before the August 5 provincial general election.

Although technically outside the scope of this review, it came to the attention of the Election Commission that there are a significant number of returning officer vacancies in circumstances which could take the province into an early election. Because the role of the returning officer is so critical to the running of an effective election, the Commission made an early recommendation to government supported by all political parties that an amendment be made to the *Elections Act* to allow the Chief Electoral Officer to appoint returning officers on an emergency basis.

The Commission is pleased that the recommendation below was accepted and an amendment to the *Elections Act* (contained in the *Justice Administration Amendment (2004) Act,* SNS. 2004, c. 6, sections 6 and 32) came into force on May 20, 2004.

Recommendation

It is recommended that the *Elections Act* be amended to authorize the Chief Electoral Officer to appoint a returning officer to fill a vacancy in that office in any electoral district should a vacancy occur on or after the issuance of the writ, or if an election call is or could be imminent while the House of Assembly is in session. Although it is preferred that the returning officer be resident in the electoral district for which he or she is appointed, that should not be a required qualification, particularly in the large urban areas.

VII. Permanent List of Electors

(a) Enumeration

A number of submissions received by the Election Commission proposed a return to "full enumeration" or return to "enumeration" in response primarily to the concern that a large number of electors had been left off the list of electors or their names appeared in the list for the 'wrong' polling division or polling station. Although the Election Commission recognizes that the people of Nova Scotia were not well served in the August 5 provincial general election by the use of a permanent list of electors, it does not believe that the public will be well served by "full enumeration" if by that it is meant that the concept of a permanent list of electors is rejected.

(For purposes of this discussion, the only difference between enumeration and confirmation is in the amount of information contained on the index sheet used by the enumerator. With confirmation more pre-printed information appears. Unless a distinction is made references to 'enumeration' include 'confirmation').

Enumeration was an effective way to create a list of electors in the past, but for a number of reasons no longer remains so. Nor is enumeration effective as the sole source for identifying electors, but rather should be viewed as one of the many sources of elector information that is available not only after the writ is issued to supplement a permanent list of electors, but also between elections as a source for updating the list of electors so that it remains constantly ready for use. Enumeration is not reliable as the only source of information by which to produce an accurate, current list of electors.

For a full enumeration, forty-four hundred (4400) enumerators would be required under current legislation which requires two (2) enumerators per polling division (*Elections Act*, Section 34) although enumerators sometimes enumerate more than one polling division. Recruiting and training forty-four hundred (4400) enumerators so they actively commence enumerating within two to three days of the issuance of the writ of election is a daunting task. Enumeration is required to commence within five (5) days of the issuance of the writ and to continue for seven (7) consecutive days. (*Elections Act*, Section 39).

Today's lifestyles and elector availability do not support the enumeration process because

- fewer people are at home when enumerators canvass during the day;
- if electors are home, they are reluctant to open their door to strangers;

- enumerators are disinclined to return to residences twice as required by the *Elections Act* if they find no one home and are plagued by problems such as dog threats, and concerns over personal safety.
- some believe that electors expect that government knows or should know who they are and find enumeration intrusive and a waste of time;
- the shortened revision period of fifteen (15) days does not allow sufficient time for full enumeration data entry into the lists; and
- the shortened election calendar is not conducive to full or even extensive enumeration/confirmation, but rather to the simpler, less time intensive use of a permanent list of electors.

Because the position of an enumerator no longer has the appeal and stature it had in the past and because it is compensated at a fairly low level (see Appendix A), it is difficult to attract and retain reliable enumerators. Frequently political parties fail to nominate sufficient or qualified enumerators leaving that responsibility to the returning officers.

Our society is increasingly mobile and our population in some sectors, transient. To address that fact at least to some extent, enumeration on a targeted basis, is workable. The key is to have in place a process whereby returning officers and the Chief Electoral Officer have a way of identifying areas or buildings within polling divisions which must be enumerated or confirmed.

Recommendations

It is recommended that the recognized political parties maintain and make available to returning officers in all electoral districts a current list of available and qualified individuals for each polling division:

(i) on the day the writ of election is issued pursuant to Section 33 of the *Elections Act*; and
(ii) within twenty (20) days of the request of the Chief Electoral Officer under Section 32 of the *Elections Act* when enumeration or confirmation is to be conducted between elections.

It is recommended that the *Tariff of Fees and Expenses*, as it relates to enumerators be reviewed to determine its currency and amendments be made to the regulations under the *Elections Act*, as appropriate.

(b) Maintenance

Only through a robust and well organized, ongoing maintenance plan can the permanent list of electors be kept current and reliable. Only if the permanent

list is used in an election and found to be reliable will it gain back confidence of the public and the recognized political parties. Although the *Elections Act* recognizes that enumeration and confirmation can be carried out between elections, it contains insufficient authorization or enabling power to implement ongoing maintenance activities or access to sound sources of personal information to be used solely for election related purposes.

Maintenance of a permanent list of electors requires work on the list and the geography (electoral polling division boundaries and polling station locations) with which the list is integrated on an ongoing basis by the Elections Office and on a periodic basis by returning officers. The historical role of returning officers recognized in the *Elections Act* and its accompanying *Tariff of Fees and Expenses* (N.S. Reg. 105/2003) (Appendix B) was one which occurred for the most part during the election period from the time the writ of election was issued to a few days following ordinary polling day. In recent years some training occurred in the months just preceding an anticipated election call. That limited role and training is insufficient to respond to the maintenance activity required to ensure an accurate and current permanent list of electors. In order to engage and ensure committed and trained returning officers it is critical that they receive fair compensation. Presently the *Tariff of Fees and Expenses* as it applies to returning officers does not contain any fee structure for the new responsibilities of these officials.

Recommendations

It is recommended that Nova Scotia use the permanent list of electors from the August 2003 provincial general election (including all revisions made up to and including ordinary polling day) and develop, maintain and use it so that it is an accurate and current "Made in Nova Scotia Permanent List of Electors".

It is recommended that Nova Scotia maintain its own permanent list of electors on an ongoing basis between general elections by enumeration or confirmation and other appropriate means, and update the list during an election period by enumeration or confirmation, only selectively, as appropriate.

It is recommended that the *Elections Act* be amended to authorize ongoing maintenance activities aimed at ensuring the currency and accuracy of the permanent list of electors and specifically enable the making of regulations to authorize access to sources of personal information to be used solely for election related purposes notwithstanding the *Freedom of Information and Protection of Privacy Act* or any other statute or regulation.

It is recommended that the following be investigated as sources by which to maintain Nova Scotia's Permanent List of Electors and implemented either by legislative amendment or administratively, as appropriate:

- Provincial change of address data. Service Nova Scotia and Municipal Relations has agreed to add the Elections Office to the list of agencies on the online Motor Vehicle Change of Address to receive citizens' change of address information. Hard copy forms can be made available in all Access Centres for Voter Registration and sent to the Elections Office for manual processing.

- Obituaries are being monitored; the dead that can be identified should be removed from the list. A formal arrangement with Vital Statistics to receive information (from Nova Scotia and other provinces) should be implemented.

- Mailing address clean-up, perhaps during revision for addresses known to be wrong.

- Placement of electors on the list that are in the "incomplete file" (no civic address) at the Elections Office is under discussion with individual returning officers.

- Registration opportunities for those not on the list of electors must be developed and kept ongoing. Forms should be sent to those who are not currently on the list of electors. The level of identification required will have to be determined. There should be no charge or user fee applied to citizens for use of any voter registration services.

- In preliminary discussions, most returning officers are amenable to having registration days, particularly with high school students, or even in small communities.

- Ongoing updates are available through Elections Canada and most municipalities, to the extent that they are usable.

- Returning officers should have access to their lists at various times between elections to check and update the information.

It is recommended that the *Tariff of Fees and Expenses* made pursuant to the *Elections Act* be reviewed (including the conduct of a Canadian cross jurisdictional comparison of fees) to evaluate the appropriateness of the fees and expenses it contains, particularly with respect to returning officers and to update the tariff as appropriate, and to add a fee structure that recognizes the new and periodic involvement returning officers must have in the maintenance of the permanent list of electors.

It is recommended that the Elections Office continue to develop and deliver computer program training and projects on electoral geography and voters list revision to returning officers aimed at ensuring these officials are trained and able to properly maintain the geography and lists of electors for their electoral districts.

VIII. Polling Stations and Polling Divisions

During the last election, particularly in rural areas, many polling divisions were too large with the result that many rural electors were forced to travel excessive distances to vote. While the object of having a relatively consistent number of electors in each polling division seems reasonable in principle, in practice it is unreasonable. It makes no sense to have the same number of polling divisions in, for example, a large rural electoral district such as Guysborough-Sheet Harbour (stretching nearly 100 miles in a straight line from one end to the other) and in urban electoral districts such as Halifax Needham (which can be walked end to end in well under a day). Although it has been suggested that firm regulations be adopted that set out a maximum distance an elector has to travel to vote, the Election Commission believes that guidelines which identify relevant factors and averages and meaningful consultation between returning officers and local political organizations in the electoral districts will be the best guide for establishing appropriate polling divisions. Section 24 of the *Elections Act* also sets out the very broad considerations that influence these decisions by the returning officer.

Guidelines for use by returning officers in the location of polling stations would also be a useful tool for returning officers, and might give some considerable assistance in overcoming complaints that electors were required to go a long distance to vote when there was a polling station across the street from their home, or that the polling station was isolated or could have been located more conveniently. A good part of determining proper polling station location is the due diligence that goes into assessing all the relevant and often conflicting factors. Polling station locations should remain unchanged from election to election unless there is strong justification for relocating them.

Recommendations

It is recommended that the Elections Office and Chief Electoral Officer, in consultation with returning officers, develop guidelines to assist returning officers in the determination of sizes and configuration of polling divisions and the preferred location of polling stations recognizing factors such as the different considerations in urban vs. rural areas, respect for consistency from election to election, accessibility, practicality and elector perspective.

It is recommended that returning officers consult with representatives of the political organizations to attempt to reach consensus in the best interests of electors, on the size of polling divisions and location of polling stations.

IX. Election Finances

(a) Rebate

The *Elections Act* currently provides that each candidate declared elected or who has received not less than 15% of the valid votes cast in an election shall receive in respect of the candidate's election expenses an amount for each elector whose name was on the official list of electors for the electoral district. The calculation of election expenses should be on the basis of the final list of electors including those electors who registered to vote and were added to the list on election day.

Recommendation

It is recommended that Section 182 of the *Elections Act* be amended to calculate the rebate due candidates elected or those who have received not less than 15% of the valid votes on the basis of the final list of electors for the electoral district including those electors who registered to vote and whose names were added to the list on ordinary polling day.

(b) Excess Contributions

Although the *Elections Act* places strict limits on the election expenses that may be incurred by a candidate or by a political party during an election, and contains a clear reimbursement formula, it does not clearly relate reimbursement received from the Chief Electoral Officer for election expenses of a candidate to the calculation and certification by the official agent of a candidate of excess contributions.

Recommendation

It is recommended that all provisions in the *Elections Act* relating to 'Election Expenses and Official Agents' be reviewed to ensure fairness and transparency and in particular to clarify the relationship between reimbursement and excess contributions.

X. Communication

Although accurate elector information is critical to an effective, well conducted election, strong and effective communications to the public and recognized parties on the voting process and the importance of the exercise of the franchise are also prerequisites to high voter turnout. Strong, well-timed and frequent communications by the Elections Office cannot certainly guarantee high voter turnout, but their absence has a direct negative impact. Minimum requirements of notice in the *Elections Act* are insufficient to inform and encourage the public to vote.

Recommendations

It is recommended that appropriate and multi-media communication of information relevant to electors (elector qualifications; where, when and how to vote; time, place, locations of special and advance polls and what process and identification is required to vote; write-in ballots; how the voting process works; elector responsibilities; how to get on the list of electors and anything new or changed in the voting process, etc.) must be undertaken by the Elections Office, and further that these communications must be made frequently and go well beyond the minimum requirements for notice under the *Elections Act*.

XI. Education

(a) Overview

Perhaps the most pervasive issue running through the submissions received by the Election Commission is the need for improved education and communication surrounding elections. Not only do the general public, electors, candidates, recognized political parties and government need to understand the internal administrative workings of the electoral process better, the Elections Office must dramatically increase its efforts to educate and communicate to bring this about.

One of the significant reasons for working toward creation of an accurate and continually maintained permanent list of electors is to ensure that all those eligible to vote can do so with ease. That does not mean however we can abandon the requirement for reasonable proof of identity. Nor can this be done without proactive citizen participation. It is recognized that one of the most significant sources of accurate elector information is the citizen. Citizens know when and where they move or when they turn eighteen (18). They know when they have taken up residence in Nova Scotia and that they are not yet on the list of electors. They must be able to provide this information to update the permanent list of electors without charge.

The Elections Office must actively pursue the creation of opportunities for our citizens to participate in ensuring that their information (name, civic and mailing addresses, gender and date of birth) is provided to the Elections Office or local returning officer so citizens are reflected in a permanent list of electors. Not only will this opportunity dramatically improve the accuracy of our permanent list of electors, it will assist in heightening the involvement of our citizens in the electoral process as they recognize and take some responsibility for ensuring their right to vote. Society is simply too complex to expect to be able to maintain an accurate, permanent list of electors without active citizen participation. Citizen involvement and responsibility in list maintenance requires a change in culture and that requires ongoing education on the means and purpose.

Recommendations

It is recommended that greater emphasis be placed by the Elections Office on periodic education of the general public, electors, candidates, political parties and government, with respect to the administration of the electoral process leading up to and including the act of voting periodically, as the permanent list of electors is updated, and during the election period.

It is recommended that the Elections Office actively pursue ways and means to involve citizens in ensuring that they are on the permanent list of electors and that their information is kept up to date without charge to the citizen.

It is recommended that on an ongoing basis the Elections Office provide educational information through a variety of media to citizens, political parties and government on the permanent list of electors and on the electoral process.

(b) Write-in Ballot

This new procedure to enable voting by absent electors was introduced for the first time in the 2003 provincial general election to replace proxy voting. It received both positive and negative comments in the submissions received by the Election Commission.

Many submissions received by the Election Commission criticized the lack of sufficient public education surrounding the write-in ballot purpose and process. The political parties all questioned why it is necessary to have three (3) different deadlines if you obtain your ballot through an agent, in person or through the mail. In particular the suggestion was made that electors who receive their write-in ballots in person or through an agent should have the same deadlines. The rationale for the three (3) deadlines was this. An elector can obtain the write-in ballot kit in person, by mail, or by agent from day twenty-four (24) to day thirteen (13) before election day. After day thirteen (13) the special polls are open and the elector not need pick up a write-in ballot in person because he or she can vote at the special poll from day twelve (12) to day sixteen (16) before election day. After the special poll the advance polls (days four (4) and three (3) before election day) are open at which the elector can vote instead of using a write-in ballot.

The deadline for mail-out of a write-in ballot kit is ten (10) days before election because after that date it is not feasible to mail out a write-in ballot and have it returned by election day. Obtaining a write-in ballot through an agent continues right up to three (3) days before election day to allow those people to vote who are not otherwise able to do so in person.

Recommendations

It is recommended that the write-in ballot procedure be reviewed in detail with the aim of clarifying and simplifying this procedure where appropriate.
It is recommended that the Elections Office develop educational materials for the public that clarify understanding of the write-in ballot procedure and when it is available.

(c) Political Parties

Whether political party and candidate involvement with the elector is categorized under education or communication of this report (and likely it is both), it is a critical vehicle for the participation of individual citizens in the political life of the province. Political parties have a recognized and legitimate role to play in the electoral process reflected in the *Elections Act* and flowing from the *Canadian Charter of Rights and Freedoms* (*Constitution Act*, 1982, Part I). Understandably, there is a concentration of activity when an election call is anticipated. However, there is value in ongoing information exchange between political parties and the electorate.

It is important to the exercise of the democratic right to vote that citizens have access to the view of political parties and candidates, and during the time limited election period, in particular, the lists of electors provided to political parties be readily usable (sortable) format. All political parties noted in submissions that during the election period the lists of electors were provided by returning officers to candidates only in PDF (read only) format which was not usable for their needs. In the past a comma-delineated text file format was used and it is requested that format be again made available.
Apparently, returning officers were able to provide a comma-delineated text file for each candidate from the NSELA, but did not in all cases do so. It is likely that since the voter's list and program they were using (NSELA) had the capability to produce a list in PDF or comma-delineated text file format, the failure to do so must have been a training issue.

Recommendation

It is recommended that the *Elections Act* be amended to require that updated permanent lists of electors created through enumeration or confirmation or any other means approved by the Chief Electoral Officer be made available to the political parties annually for election related purposes. Restrictions, such as a prohibition on use of the list for mail outs or fundraising and aimed at protecting elector privacy, should be pre-requisite to releasing this information.

It is recommended that candidates entitled to receive lists of electors have those lists provided in comma-delineated text file format enabling resorting of the lists.

XII. Recommendations

Following are the recommendations of the Elections Commission arising from its analysis of the August 5, 2003 provincial general election. They are arranged by subject area for easy reference.

Legislation and Regulations

1. It is recommended that the *Elections Act* be amended to require that updated permanent lists of electors created through enumeration or confirmation or any other means approved by the Chief Electoral Officer be made available to the political parties annually for election related purposes. Restrictions, such as a prohibition on use of the list for mail outs or fundraising and aimed at protecting elector privacy, should be pre-requisite to releasing this information.

2. It is recommended that all provisions in the *Elections Act* relating to 'Election Expenses and Official Agents' be reviewed to ensure fairness and transparency and in particular to clarify the relationship between reimbursement and excess contributions.

3. It is recommended that the *Tariff of Fees and Expenses* made pursuant to the *Elections Act* be reviewed (including the conduct of a Canadian cross jurisdictional comparison of fees) to evaluate the appropriateness of the fees and expenses it contains, particularly with respect to returning officers and to update the tariff as appropriate, and to add a fee structure that recognizes the new and periodic involvement returning officers must have in the maintenance of the permanent list of electors.

4. It is recommended that the *Tariff of Fees and Expenses*, as it relates to enumerators be reviewed to determine its currency and amendments be made to the regulations under the *Elections Act*, as appropriate.

5. It is recommended that the *Elections Act* be amended to authorize ongoing maintenance activities aimed at ensuring the currency and accuracy of the permanent list of electors and specifically enable the making of regulations to authorize access to sources of personal information to be used solely for election related purposes notwithstanding the *Freedom of Information and Protection of Privacy Act* or any other statute or regulation.

6. It is recommended that Section 182 of the *Elections Act* be amended to calculate the rebate due candidates elected or those who have received not less than 15% of the valid votes on the basis of the final list of electors for the electoral district including those electors who registered to vote and whose names were added to the list on ordinary polling day.

7. It is recommended that the following be investigated as sources by which to maintain Nova Scotia's Permanent List of Electors and implemented either by legislative amendment or administratively, as appropriate:

   - Provincial change of address data. Service Nova Scotia and Municipal Relations has agreed to add the Elections Office to the list of agencies on the online Motor Vehicle Change of Address to receive citizens' change of address information. Hard copy forms can be made available in all Access Centres for Voter Registration and sent to the Elections Office for manual processing.

   - Obituaries are being monitored; the dead that can be identified should be removed from the list. A formal arrangement with Vital Statistics to receive information (from Nova Scotia and other provinces) should be implemented.

   - Mailing address clean-up, perhaps during revision for addresses known to be wrong.

   - Placement of electors on the list that are in the "incomplete file" (no civic address) at the Elections Office is under discussion with individual returning officers.

   - Registration opportunities for those not on the list of electors must be developed and kept ongoing. Forms should be sent to those who are not currently on the list of electors. The level of identification required will have to be determined. There should be no charge or user fee applied to citizens for use of any voter registration services.

   - In preliminary discussions, most returning officers are amenable to having registration days, particularly with high school students, or even in small communities.

   - Ongoing updates are available through Elections Canada and most municipalities, to the extent that they are usable.

   - Returning officers should have access to their lists at various times between elections to check and update the information.

8. It is recommended that the *Elections Act* be amended to authorize the Chief Electoral Officer to appoint a returning officer to fill a vacancy in that office in any electoral district should a vacancy occur on or after the issuance of the writ, or if an election call is or could be imminent while the House of Assembly is in session. Although it is preferred that the returning officer be resident in the electoral district for which he or she is appointed, that should not be a required qualification, particularly in the large urban areas.

The Commission is pleased that this recommendation was accepted prior to the completion of its report and an amendment to the *Elections Act* (contained in the *Justice Administration Amendment (2004) Act,* SNS. 2004, c. 6, sections 6 and 32) came into force on May 20, 2004.

Permanent Voter's List

9. It is recommended that Nova Scotia use the permanent list of electors from the August 2003 provincial general election (including all revisions made up to and including ordinary polling day) and develop, maintain and use it so that it is an accurate and current "Made in Nova Scotia Permanent List of Electors".

10. It is recommended that Nova Scotia maintain its own permanent list of electors on an ongoing basis between general elections by enumeration or confirmation and other appropriate means, and update this list during an election period by enumeration or confirmation, only selectively, as appropriate.

11. It is recommended that the NROE not be used again in its current form. Instead, it is recommended that the Elections Office work to maintain on an ongoing basis, the list of electors now in place following the August 5, 2003 general election toward the end of developing a "Made in Nova Scotia Permanent List of Electors". This permanent list of electors combined with a limited enumeration or confirmation exercise during the election period, is recommended. Full enumeration is not recommended because too much information of high quality that is now in the list of electors would be lost.

12. It is recommended that before the NSELA is used in another provincial general election, it be updated so that the number assigned to each elector in the preliminary list of electors remains unchanged in the official list of electors.

13. It is recommended that the NSELA be reviewed to address any issues identified by the Elections Office and returning officers to make it more 'user friendly' including allowing for the use of French accents, making improvements to the daily reports, improving the search capabilities for revising assistants under circumstances where enumeration or confirmation occurs.

14. It is recommended that before the NSELA is used again, a training program be designed specifically to meet the needs of returning officers integrated with other training provided by the Elections Office, reinforced as required, and delivered in a well-timed manner.

15. The NROE because of its unreliability should be used only as one of many sources against which the Nova Scotia permanent list of electors is checked and not used in and of itself as Nova Scotia's list of electors.

16. It is recommended that the Elections Office actively pursue ways and means to involve citizens in ensuring that they are on the permanent list of electors and that their information is kept up to date without charge to the citizen.

Procedure

17. It is recommended that the recognized political parties maintain and make available to returning officers in all electoral districts a current list of available and qualified individuals for each polling division:

    (i) on the day the writ of election is issued pursuant to Section 33 of the *Elections Act*; and
    (ii) within twenty (20) days of the request of the Chief Electoral Officer under Section 32 of the *Elections Act* when enumeration or confirmation is to be conducted between elections.

18. It is recommended that the Elections Office and Chief Electoral Officer, in consultation with returning officers, develop guidelines to assist returning officers in the determination of sizes and configuration of polling divisions and the preferred location of polling stations recognizing factors such as the different considerations in urban vs. rural areas, respect for consistency from election to election, accessibility, practicality and elector perspective.

19. It is recommended that returning officers consult with representatives of the political organizations to attempt to reach consensus in the best interests of electors, on the size of polling divisions and location of polling stations.

20. It is recommended that the Elections Office be formally reviewed from a business process, staffing and technology perspective and, as appropriate, restructured to meet its responsibilities reflected in and arising from the *Elections Act*.

21. It is recommended that the Elections Office continue to develop and deliver computer program training and projects on electoral geography and voters list revision to returning officers aimed at ensuring these officials are trained and able to properly maintain the geography and lists of electors for their electoral districts.

22. It is recommended that candidates entitled to receive lists of electors have those lists provided in comma-delineated text file format enabling resorting of the lists.

Communication and Education

23. It is recommended that appropriate and multi-media communication of information relevant to electors (elector qualifications; where, when and how to vote; time, place, locations of special and advance polls and what is required to vote; write-in ballots;

how the voting process works; elector responsibilities; how to get on the list of electors and anything new or changed in the voting process, etc.) must be undertaken by the Elections Office, and further that these communications must be made frequently and go well beyond the minimum requirements for notice under the *Elections Act*.

24. It is recommended that greater emphasis be placed by the Elections Office on periodic education of the general public, electors, candidates, political parties and government, with respect to the administration of the electoral process leading up to and including the act of voting periodically, as the permanent list of electors is updated, and during the election period.

25. It is recommended that on an ongoing basis the Elections Office provide educational information through a variety of media to citizens, political parties and government on the permanent list of electors and on the electoral process.

26. It is recommended that the write-in ballot procedure be reviewed in detail with the aim of clarifying and simplifying this procedure where appropriate.

27. It is recommended that the Elections Office develop educational materials for the public that clarify understanding of the write-in ballot procedure and when it is available.

XIII. Bibliography

Just Boundaries: Recommendations for Effective Representation for the People of Nova Scotia, Final Report of the Nova Scotia Provincial Electoral Boundaries Commission; August 30, 2002

Meeting the Needs of a Modern Electorate; Office of the Chief Election Officer, 2000 Ontario

Report of the Nova Scotia Elections Office to the National Advisory Committee on the National Register of Electors

XIV. Appendix A

From the *Tariff of Fees and Expenses* under the *Elections Act* (N.S . Reg. 105/2003)

Enumerators

10 **(1)** The fee for all services provided by enumerators as required in the enumeration of electors, including expenses, is $80.00

plus $0.60 per name (urban polling division) or $0.65 per name (rural polling division) of each elector properly included in the Enumerator's Index Sheets.

(2) For the purposes of subsection (1), the Chief Electoral Officer determines whether a polling division is urban or rural.

(3) The fee for an enumerator attending to receive instructions from a returning officer is $25.00

XIV. Appendix B

Tariff of Fees and Expenses
made under Section 174 of the
Elections Act
R.S.N.S. 1989, c. 140
O.I.C. 2003-211 (May 9, 2003), N.S. Reg. 105/2003

Interpretation
1 In this Tariff,

(a) "during an election" has the same meaning as in the *Elections Act*;

(b) "official list of electors" means the official list that is certified by the returning officer pursuant to Section 62 of the *Elections Act*, with the addition of the electors who were added to the list of electors at the advance and ordinary polls.

Returning officers

2 The ~~fees~~ [fee] for services provided by a returning officer between elections, at the request of the Chief Electoral Officer, is a stipend to be determined by the Chief Electoral Officer, and ~~a~~ expenses for travel, meals and accommodations as authorized under Section 26.

3 The fee for services provided by a returning officer during an election, including the receipt of the candidates' expenses, is,

(a) if a poll is held **$3900.00**
plus $0.15 per name on the official list of electors; or

(b) if no poll is held, 50% of the amount payable under clause (a).

Assistant returning officers (satellite office)

4 (1) The fee for services provided by an assistant returning officer during an election is,

(a) if a poll is held **$3900.00**

(b) if no poll is held, 50% of the amount payable under clause (a).

Election clerks

5 The fees for services provided by an election clerk during an election is,

(a) if a poll is held **$2550.00**
plus $0.10 per name on the official list of electors; or

(b) if no poll is held, 50% of the amount payable under clause (a).

Assistant election clerks (satellite office)

6 (1) The fee for services provided by an assistant election clerk during an election is,

(a) if a poll is held **$2500.00**

(b) if no poll is held, 50% of the amount payable under clause (a).

(2) The fee for acting as a revision assistant/presiding officer for write-in ballots is **$500.00**

Attendance at recounts

7 The fee for services provided by a returning officer or an election clerk attending at a recount, per day, is **$100.00**

Revision assistant/presiding officer for write-in ballots

8 (1) The fee for services provided by a revision assistant/presiding officer during an election, including the addition of all polling day revisions into the list of electors is **$2500.00**
plus $0.05 per name on the official list of electors.

(2) The fee for an additional revision assistant for a returning office, with the approval of the Chief Electoral Officer, per hour, is **$10.50**

Attendance at courses and meetings

9 The fee for attending a course on election procedure or a meeting arranged by the Chief Electoral Officer, including travel and living expenses necessarily and reasonably incurred, supported by vouchers, and an allowance for each day of attendance and necessary absence from place of residence, is **$100.00**

Enumerators

10 (1) The fee for all services provided by enumerators as required in the enumeration of electors, including expenses, is **$80.00**
plus $0.60 per name (urban polling division) or $0.65 per name (rural polling division) of each elector properly included in the Enumerator's Index Sheets.

(2) For the purposes of subsection (1), the Chief Electoral Officer determines whether a polling division is urban or rural.

(3) The fee for an enumerator attending to receive instructions from a returning officer is **$25.00**

Revising agents

11 (1) The fee for all services provided by a revising agent, as directed by the returning officer, is **$80.00**
plus $0.72 per name of each elector checked or obtained by the revising agent.

(2) The fee for travel expenses for a revising agent is paid in accordance with clause 26(a), to a maximum of **$50.00**

(3) The fee for a revising agent attending to receive instructions from a returning officer is **$25.00**

Supervising deputy returning officers

12	(1)	The fee for all services provided by a supervising deputy returning officer, including expenses, is	**$130.00**
	(2)	The fee for a supervising deputy returning officer attending to receive instructions from a returning officer is	**$25.00**

Presiding officers (special poll)

13	(1)	The fee for all services provided by a presiding officer for a special poll, including expenses, is	**$335.00**
	(2)	The fee for a presiding officer attending to receive instructions from a returning officer is	**$25.00**
	(3)	The fee for a presiding officer for a special poll attending to count the votes on ordinary polling day is	**$20.00**

Deputy presiding officers (special poll)

14	(1)	The fee for all services provided by a deputy presiding officer for a special poll, including expenses, is	**$275.00**
	(2)	The fee for a deputy presiding officer for a special poll attending to receive instructions from a returning officer is	**$25.00**
	(3)	The fee for a deputy presiding officer for a special poll attending to count	**$20.00**

the votes on ordinary polling day is ..... |

Deputy returning officers (advance poll)

15	(1)	The fee for all services provided by a deputy returning officer for an advance poll, including expenses, is	**$215.00**
	(2)	The fee for a deputy returning officer for an advance poll attending to receive instructions from a returning officer is	**$25.00**
	(3)	The fee for a deputy returning officer for an advance poll attending to count the votes on ordinary polling day is	**$20.00**

Poll clerks (advance poll)

16	(1)	The fee for all services provided by a poll clerk for an advance poll, including expenses, is	**$170.00**
	(2)	The fee for a poll clerk for an advance poll attending to receive instructions from a returning officer is	**$25.00**
	(3)	The fee for a poll clerk for an advance poll attending to count the votes on ordinary polling day is	**$20.00**

Deputy returning officers (ordinary poll)

17	(1)	The fee for all services provided by a deputy returning officer for an ordinary poll, including expenses, is	**$120.00**
	(2)	The fee for a deputy returning officer for an ordinary poll attending to receive instructions from a returning officer is	**$25.00**
	(3)	If a deputy returning officer acts as a polling day revision assistant, the fee for the services of the deputy returning officer, including attending to receive instructions from a returning officer, is in addition to the fees set out in subsections (1) and (2).	**$30.00**

Poll clerks (ordinary poll)

18	(1)	The fee for all services provided by a poll clerk for an ordinary poll, including expenses, is	**$95.00**
	(2)	The fee for a poll clerk for an ordinary poll attending to receive instructions from a returning officer is	**$25.00**
	(3)	The fee for a poll clerk for an ordinary poll to assist a deputy returning officer who is a polling day revision assistant, is in addition to the fees set out in subsections (1) and (2).	**$30.00**

Deputy returning officer (mobile poll)

19	(1)	The fee for all services provided by a deputy returning officer in 1 mobile poll	**$60.00**

only on ordinary polling day, including the counting of the ballots, is .....

(2) The fee for all services provided by a deputy returning officer in 2 or 3 mobile polls on ordinary polling day, including the counting of the ballots, is **$120.00**

(3) The fee for travel by a deputy returning officer in the deputy returning officer's personal vehicle is the amount authorized by clause 26(a), and in accordance with the policy of the Chief Electoral Officer.

(4) The fee for a deputy returning officer for a mobile poll attending to receive instructions from a returning officer is **$25.00**

Poll clerk (mobile poll)

20 (1) The fee for all services provided by a poll clerk in 1 mobile poll only on ordinary polling day is **$50.00**

(2) The fee for all services provided by a poll clerk in 2 or 3 mobile polls on ordinary polling day, including the counting of ballots, is **$95.00**

(3) The fee for travel by a poll clerk for a mobile poll in the poll clerk's personal vehicle, is the amount authorized by clause 26(a), and in accordance with the policy of the Chief Electoral Officer.

(4) The fee for a poll clerk for a mobile poll attending to receive instructions from a returning officer is **$25.00**

Standby deputy returning officers and poll clerks

21	(1)	The fee for a standby deputy returning officer or standby poll clerk attending to receive instructions from a returning officer is	**$25.00**
	(2)	The fee for a standby deputy returning officer or standby poll clerk being available on ordinary polling day in case their services are required is	**$25.00**

Polling day revision assistants (advance poll)

22	(1)	The fee for all services provided by a polling day revision assistant for an advance poll, including expenses, is	**$220.00**
	(2)	The fee for a polling day revision assistant for an advance poll attending to receive instructions from a returning officer is	**$25.00**

Polling day revision assistants (ordinary poll)

23	(1)	The fee for all services provided by a polling day revision assistant for an ordinary poll, including expenses, is	**$120.00**
	(2)	The fee for a polling day revision assistant for an ordinary poll attending to receive instructions from a returning officer is	**$25.00**

Constables

24 (1) The fee for all services provided by constables at ordinary polls, at advance polls or at the returning office, per hour, is **$7.00**

(2) If the services of uniformed peace officers are required as constables, with the prior approval of the Chief Electoral Officer, the fee for their services is the actual and reasonable costs of their services, supported by vouchers.

Ballot box messengers

25 The fee for the services of a messenger appointed by a returning officer to collect ballot boxes following the close of the polls, per hour, is **$7.00**
with mileage documented, to a maximum of **$25.00**

Expenses for travel, meals and accommodation

26 The fees for a returning officer, election clerk or revision assistant/presiding officer for write-in ballots who is authorized to be paid a travel allowance in connection with the conduct of an election are as follows:

(a) for distance actually traveled by private car, supported by an itemized statement, the car kilometrage rate paid to public servants of the Province;

(b) for travel by other means of transportation, the expenses necessarily and reasonably incurred, supported by vouchers;

(c) for expenses for meals and accommodation, in accordance with the rate paid to public servants of the Province.

Polling stations

27 (1) The fee for the use of a building, or part of a building, including fuel, lights, cleaning services and furniture, as one or more ordinary polling stations, per polling station, is **$80.00**

(2) The fee for the use of a building or part of a building, including fuel, lights, cleaning services and furniture, as an advance polling station for the 2 days that the advance poll is open, and the counting of the votes on ordinary polling day, is **$160.00**

Printing allowance

28 The fees for the printing and binding or stitching of ballot papers for a special poll are

(a) for the first 1000 ..... **$230.00**

(b) for each additional 1000 after the first 1000 ..... **$53.00**

29 The fees for the printing, numbering and binding or stitching of ballot papers for the advance and ordinary polls are

(a) for the first 6000 ..... **$600.00**

(b) for each additional 1000 after the first 6000 ..... **$70.00**

Audit

30 The fee for reimbursement of official agent of candidate for actual expense for the audit required by the *Elections Act*, is a maximum of **$300.00**

Witnesses

31 The fee for the services of an elector called upon by a returning officer to be a witness at an official addition of the votes where no candidate is present or represented, is an allowance of **$22.00**

Headquarters of returning officers

32 (1) The fee for the rental, in accordance with the policies of the Chief Electoral Officer, of an office as a headquarter for a returning officer, is the amount reasonably and actually paid, supported by vouchers.

(2) If the Chief Electoral Officer approves the use of the residence of a returning officer as a headquarters, the fee for the use of the residence is **$275.00**

(3) If the Chief Electoral Officer approves the use of the business premises of the returning officer as a headquarters, the fee for the use of the business premises is **$330.00**

Office supplies, equipment and rental of premises

33 The fee for office supplies and equipment, rental of premises, and other expenses necessary in conducting an election, is the amount actually reasonably spent, supported by vouchers.